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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hirotsuna MIURA

Group Art Unit: 1745

Application No.: 10/791,719

Examiner: J. CREPEAU

Filed: March 4, 2004

Docket No.: 118424

For: METHOD FOR MANUFACTURING FUEL CELL, AND ELECTRONIC DEVICE
AND AUTOMOBILE INCLUDING THE FUEL CELL

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the December 12, 2006 Restriction Requirement, Applicant provisionally elects Group I claims 1-4, with traverse.

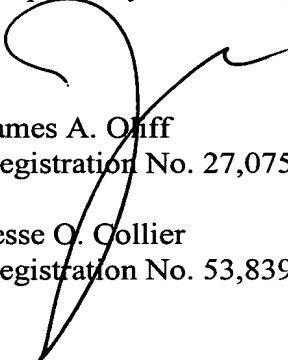
However, Applicant respectfully submits that the Requirement is improper. In particular, the Requirement has failed to identify a specific process other than the process of Group I, by which the products of Group II can be made (see MPEP §806.05(f)). Rather the Requirement merely states the conclusion that the products of Group II do not have to be made by the process of Group I.

It is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire

application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,


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JAO:LXF/tjx

Date: January 11, 2007

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